

NORTH CAROLINA COURT OF APPEALS

LIBERTARIAN PARTY OF NORTH)
CAROLINA, SEAN HAUGH, as Executive)
Director of the party; PAMELA)
GUIGNARD and RUSTY SHERIDAN, as)
Libertarian candidates for Mayor)
of Charlotte, North Carolina;)
JUSTIN CARDONE and DAVID GABLE, as)
Libertarian candidates for)
Charlotte City Council; RICHARD)
NORMAN and THOMAS LEINBACH, as)
Libertarian candidates for)
Winston-Salem City Council; and)
JENNIFER SCHULZ as a registered)
voter,)

Appellants,

and

THE NORTH CAROLINA GREEN PARTY;)
ELENA EVERETT, as Chair and KAI)
SCHWANDES, as Co-Chair of the)
party; NICHOLAS TRIPLETT, as a)
prospective North Carolina Green)
Party candidate for public office;)
HART MATTHEWS and GERALD SURH, as)
members of the party and qualified)
voters,)

Intervenors,

v.

STATE OF NORTH CAROLINA; ROY)
COOPER, Attorney General of North)
Carolina; STATE BOARD OF ELECTIONS;)
and GARY O. BARTLETT, as Executive)
Director of the State Board;)

Appellees.

APPELLANTS' BRIEF ADDENDUM

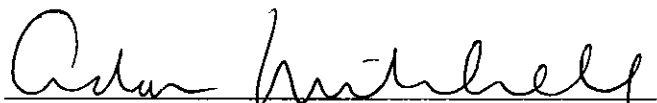
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CLERK OF SUPERIOR COURT
OF NORTH CAROLINA

From Wake County
05-CVS-13073

This addendum addresses factual issues and a minor correction to the Appellants' Brief filed on January 21, 2009. Appellants Libertarian Party of North Carolina and the North Carolina Green Party, by and through counsel, hereby inform the honorable North Carolina Court of Appeals that the Table of Cases and Authorities in Appellants' brief citing *Wood v. Georgia*, 370 U.S. 375, 82 S.Ct. 1364 (1962) should reference both page 27 and 28. In addition, on page 4, the last sentence of the first paragraph should read as follows: "In 1982, the only year in which 5,000 signatures were required for a new party, only four parties appeared on the ballot, two fewer than the six parties that appeared in 1980, when the requirement was 10,000 signatures." (R. pp. 191, 212; T. vol. II, p. 317, lines 2-7) On page 25 in the second paragraph, the number of parties that qualified candidates for the ballot in 1996 was five, as opposed to four.

This the 2nd day of March, 2009.

THARRINGTON SMITH, L.L.P.



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Katherine Parker by ASM

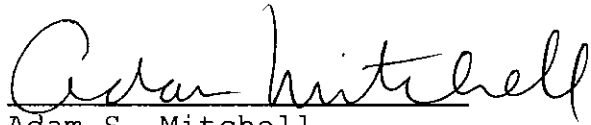
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CERTIFICATE OF SERVICE

This is to certify that this **Appellants' Brief Addendum** was served upon the other parties by first class mail, addressed as shown below:

Alec Peters
Karen E. Long
Special Deputy Attorneys General
North Carolina Department of Justice
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Attorneys for Appellees

This 2nd day of March 2009.


Adam S. Mitchell
THARRINGTON SMITH, L.L.P.

No. COA08-1413

North Carolina Court of Appeals

LIBERTARIAN PARTY OF NORTH CAROLINA,
SEAN HAUGH, as Executive Director of
the party; PAMELA GUIGNARD and RUSTY
SHERIDAN, as Libertarian candidates
for Mayor of Charlotte, North Carolina;
JUSTIN CARDONE and DAVID GABLE, as
Libertarian candidates for Charlotte
City Council; RICHARD NORMAN and
THOMAS LEINBACH, as Libertarian
candidates for Winston-Salem City
Council; and JENNIFER SCHULZ as a
registered voter,

Plaintiffs,

and

THE NORTH CAROLINA GREEN PARTY;
ELENA EVERETT, as Chair and KAI
SCHWANDES, as Co-Chair of the
party; NICHOLAS TRIPLETT, as
a prospective North Carolina
Green Party candidate for public
office; HART MATTHEWS and GERALD
SURH, as members of the party
and qualified voters,

Intervenors,

V

STATE OF NORTH CAROLINA; ROY COOPER,
Attorney General of North Carolina;
STATE BOARD OF ELECTIONS; and
GARY O. BARTLETT, as Executive
Director of the State Board;
Defendants.

ORDER

The following order was entered:

The motion filed in this cause on the 2nd day of March 2009 and designated "Motion for Leave to File an Addendum to Appellants' Brief" is allowed. The attached addendum to plaintiff-appellant's brief shall be printed.

By order of the Court this the 4th day of March 2009.

From Wake
(05CVS13073)

Witness my hand and official seal this the 4th day of March 2009.



John H. Connell
Clerk of North Carolina Court of Appeals



cc:

Mr. Kenneth A. Soo
Mr. Adam S. Mitchell
Mr. Robert M. Elliot
Ms. Katherine Lewis Parker
Mr. Alexander McC. Peters
Ms. Karen E. Long

*Filed the 4th day of March 2009 at 3:22 PM
In the Office of the Clerk, Court of Appeals of North Carolina*